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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/651,443	08/30/2003	Brian L. McMurray	1373-002	8744	
4678	7590 11/01/2006		EXAM	INER	
MACCORD MASON PLLC			WORRELL JR, LARRY D		
300 N. GREENE STREET, SUITE 1600 P. O. BOX 2974		ART UNIT	PAPER NUMBER		
GREENSBO	RO, NC 27402		3765		
•		•	DATE MAIL ED. 11/01/200	DATE MAILED, 11/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extransion of time may be semilated used the provious of 37 CPR 1-18(d). In no event, however, may a reply be simely field If NO period for reply is specified above, the maximum statutory protect will acply and will acptic SIX (5) MONTHS from the mailing date of this communication. Failurs to reply within the stor extended period for regive in specified above, the maximum statutory protect will acply and will acptic SIX (5) MONTHS from the malling date of this communication. Failurs to reply within the stor extended period for regive in the protection of the mailing date of this communication, even if timely filed, may reduce any sented patient than the alignment. Set 37 CPR 1-78(d). **Responsive to communication(s) filled on			$\times \sigma$				
### Examiner ### Art Unit 3785 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1-13(b), in an event, however, may a reply as printy find - If No event for reply is specified above, the maximum stations protent will apply and we expire \$10, MONTHS from the mailing date of this communication is placed for reply will, by stables, cause the application to become ABANDONED (35 U.S.C.§ 133) - If No event is the state of the communication, even if stress file, shay reduce any event of the communication and the state of the communication, even if stress file, shay reduce any event of the communication and the state of the communication, even if stress file, shay reduce any event of the communication and the commun		Application No.	Applicant(s)				
Danny Worrell 3765		10/651,443	MCMURRAY, BRIAN L.				
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2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-19 (s/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Application Papers 9) ☐ The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some *c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 4) ☐ Interview Summary (PTO-413) Poper Notes of Informal Patent Application	Status		•				
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DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being anticipated by McLarty III et al (5533789).

The disclosure of McLarty III et al (5533789) teaches a knitted colorfast material substantially as claimed including a first component (30) with substantial stretch properties and a second component (34) with substantially lower stretch properties than those of the first component. The material is a fabric manufactured by knitting and the components are dyed prior to fabric formation for providing a material having a color-fastness and color-uniformity in both stretched and relaxed states. Note that the material (34) is solution dyed. See column 3, lines 44-48. However, McLarty III et al does not teach the first component being solution dyed. It would have been obvious at the time the invention was made to provide the first yarn component as a solution dyed component so that the dye is distributed evenly throughout the yarn rather generally on the yarn surface.

Response to Arguments

Applicant's arguments filed 7/24/06 have been fully considered but they are not persuasive. Applicant argues that it is not obvious to solution dye the first substantial stretch component of McLarty III. The examiner disagrees and notes that the component (34) of McLarty III is solution dyed. Clearly McLarty is aware of solution dyeing and of the benefits of such a dye system. As such, it would have been obvious to provide the first component as solution dyed in order to distribute the dye evenly throughout the yarn rather generally on the yarn surface.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Worrell whose telephone number is 571/272-5997. The examiner can normally be reached on Tuesday-Friday.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner
Art Unit 3765

LDW